

**S/N 09/477,977**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	John H. Burton et al.	Examiner:	Lee S Cohen
Serial No.:	09/477,977	Group Art Unit:	3739
Filed:	January 05, 2000	Docket:	825.001US2
Title:	IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY RESTRICTING A BODY LUMEN		

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(c)(2), Applicants hereby authorize the Commissioner to charge the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p), to Deposit Account No. 19-0743. Please charge any additional fees or credit any overpayment to Deposit Account No. 19-0743.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications, and Non-Published Applications identifiable by USPTO Serial Number, are no longer required to be provided to the Office. Notification of this change to this effect was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004 and October 19, 2004. Thus, Applicant has not included copies of any US Patents or US Patent Applications identifiable by serial number that may be cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JOHN H. BURTON ET AL.

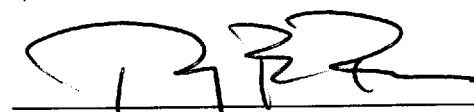
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6912

Date

July 27, 2007

By



Timothy E. Bianchi  
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this

27 day of July 2007.

Name

John D. Gensler - Marshall

Signature



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	09/477,977
<b>Filing Date</b>	January 5, 2000
<b>First Named Inventor</b>	Burton, John
<b>Group Art Unit</b>	3739
<b>Examiner Name</b>	Cohen, Lee

Sheet 1 of 2

Attorney Docket No: 825.001US2

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-3,138,161	06/23/1964	ALLEN, D. L.	02/25/1963
	US-5,547,472	08/20/1996	Onishi, M., et al.	01/19/1995

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
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**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Final Office Action mailed 8-5-98", 9 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Final Office Action mailed 9-27-99", 6 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Non-Final Office Action mailed 1-13-98", 8 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Non-Final Office Action mailed 2-3-99", 6 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Non-Final Office Action mailed 2-4-99", 7 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Notice of Allowance mailed 2-22-00", 4 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Response to Final Office Action filed 11-1-99", 2 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Response to Final Office Action filed 11-5-98", 12 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Response to Final Office Action filed 12-3-98", 9 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Response to Non-Final Office Action filed 5-13-98", 16 pgs.	
		"Application Serial No. 08/873,444 (Atty. Ref. 825.001US1) Response to Non-Final Office Action filed 7-6-99", 6 pgs.	
		"Application Serial No. 08/928,946 (Atty. Ref. 825.002US1) Notice of Allowance mailed 5-3-99", 11 pgs.	
		"Application Serial No. 09/345,884 (Atty. Ref. 825.002US2) Non-Final Office Action mailed 3-19-01", 8 pgs.	
		"Application Serial No. 09/345,884 (Atty. Ref. 825.002US2) Non-Final Office Action mailed 9-29-00", 9 pgs.	
		"Application Serial No. 09/345,884 (Atty. Ref. 825.002US2) Notice of Allowance mailed 2-11-02", 6 pgs.	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449A/PTO

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<b>Examiner Name</b>	Cohen, Lee

Sheet 2 of 2

Attorney Docket No: 825.001US2

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Application Serial No. 09/345,884 (Atty. Ref. 825.002US2) Response to Non-Final Office Action filed 12-28-00", 7 pgs.	
		"Application Serial No. 09/345,884 (Atty. Ref. 825.002US2) Response to Non-Final Office Action filed 7-13-01", 8 pgs.	
		"Application Serial No. 10/167,565 (Atty. Ref. 825.002US3) Non-Final Office Action mailed 2-11-03", 6 pgs.	
		"Application Serial No. 10/167,565 (Atty. Ref. 825.002US3) Notice of Allowance mailed 5-30-03", 8 pgs.	
		"Application Serial No. 10/167,565 (Atty. Ref. 825.002US3) Response to Non-Final Office Action filed 5-9-03", 7 pgs.	
		"Application Serial No. 10/673,028 (Atty. Ref. 825.002US4) Non-Final Office Action mailed 6-2-04", 7 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Final Office Action mailed 6-15-07", 9 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Non-Final Office Action mailed 2-12-07", 8 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Non-Final Office Action mailed 4-17-06", 9 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Notice of Allowance mailed 10-23-06", 5 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Response to Non-Final Office Action filed 5-14-07", 8 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Response to Non-Final Office Action filed 7-7-06", 7 pgs.	
		"Application Serial No. 10/932,414 (Atty. Ref. 825.002US5) Supplemental Notice of Allowability mailed 11-27-06", 2 pgs.	
		"Application Serial No. 11/120,631 (Atty. Ref. 825.001US3) Non-Final Office Action mailed 8-24-06", 7 pgs.	

**EXAMINER****DATE CONSIDERED**

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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached